

CITY COUNCIL MINUTES
November 18, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, November 18, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with Vice President Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

Absent: Robinson

There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilwoman Mosby.

Fellow Councilmen and those in the audience, welcome to the November 18, 2013 meeting of the Common Council.

Vice President Adams: Our esteemed leader, Chairman Robinson is laid low with an earache so the JV team is in.

RECOGNITION OF SCHOOLS

Are there any students in the audience tonight? Will they please stand up? Thank you so much for coming to see democracy work tonight. If any of you need a sheet signed, just come up after the meeting and we'll do that for you.

COUNCIL ATTORNEY

This evening Scott Danks is City Council Attorney.

SERGEANT AT ARMS

This Sergeant at Arms, fortunately, is Officer Clegg. Thank you so much for being here sir.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the November 4, 2013 meeting of the Common Council as written?

Councilwoman Brinkerhoff-Riley moved and Councilman McGinn seconded the motion to approve the minutes of the meeting of the Common Council held November 4, 2013 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR NOVEMBER 15th PACKET:

*City Council Meeting Agenda for November 18, 2013.

*Committee Meeting Schedule.

*Ordinances F-2013-21, F-2013-23, G-2013-17, G-2013-19

ORDINANCE R-2013-22 **TO APC** **C-1 to R-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1151 Mt Auburn Rd.

Petitioner: Diana K. Linenburg
Owners: Same
Representative: Same
District: Al Lindsey, Ward 6

ORDINANCE R-2013-23 **TO APC** **C-4 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 313 N Garvin.

Petitioner: Mark Cole
Owners: Same
Representative: Same
District: Stephanie Brinkerhoff-Riley, Ward 3

ORDINANCE R-2013-24 **TO APC** **R-1 to C-4 w/U&D Comm**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1003 Beverly Ave.

Petitioner: David Nelson
Owners: SILCO, LLC
Representative: Same
District: Al Lindsey, Ward

ORDINANCE R-2013-25 **TO APC** **C-1 to CO-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2116 E. Division St.

Petitioner: Michael R. Majors
Owners: Same
Representative: Same
District: Stephanie Brinkerhoff-Riley, Ward 3

ORDINANCE R-2013-26 **TO APC** **R-2 & C-4 to C-4 w/U&D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2312, 2314, 2316, 2318, 2320, 2322 W. Delaware St. and 2311, 2313, 2315, 2317, 2319, 2321 W. Iowa St. and 601, 603, 609 N. St. Joe Ave.

Petitioner: Warren St. Joe Avenue Property LLC
Owners: B&S Property Management LLC ETAL
Representative: Andy Easley Engineering Inc.
District: Al Lindsey, Ward 6

ORDINANCE R-2013-27 **TO APC** **CO-2 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1 SE Ninth St.

Petitioner: Krista B. Lockyear
Owners: Same
Representative: Same
District: Connie Robinson, Ward 4

ORDINANCE R-2013-28**TO APC****R-1 to C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 600 Kimber Ln. and Kimber Ln. Parcel 82-06-24-016.030.027

Petitioner: Sater Family Partnership LP

Owners: Same

Representative: Bowers Harrison LLP

District: Dan McGinn, Ward 1

Vice President Adams: Thank you Madam Clerk; that was a work out.

City Clerk Windhorst: Thank you.

Vice President Adams: Is there a motion to adopt the Consent Agenda as written?

Councilman Weaver moved and Councilman O'Daniel seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****ORDINANCE R-2013-17****FROM APC****R-1 and C-1 to R-5**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as behind 4020 Stringtown Road

Petitioner: Marty Amsler, President, Woodland Condominium Association

Owners: Same

Representative: Andy Easley Engineering, Inc.

District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from APC, having seven (7) affirmative votes.

ORDINANCE R-2013-19**FROM APC****R-2 TO M-3 w/U & D Comm**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2100 S. Tekoppel Rd.

Petitioner: D M S F, LLC

Owners: Jon David, Manager

Representative: Krista B. Lockyear

District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from APC, having seven (7) affirmative votes.

Vice President Adams: Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Lindsey moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered.

Council now stands at Third Reading of Zoning Ordinances, which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-17

FROM APC

R-1 and C-1 to R-5

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as behind 4020 Stringtown Road

Petitioner: Marty Amsler, President, Woodland Condominium Association

Councilwoman Brinkerhoff-Riley: That's not Marty Amsler.

Vice President Adams: Please state your name and address.

Justin Schoffstall: Justin Schoffstall with Easley Engineering. I'm here on behalf of Woodland Condominium Association.

What we are doing is essentially just a pretty straightforward rezoning. We're changing the usage to R-5. There are several reasons for that. One for the condos, of course, for being multifamily homes. Two, that's part of the requirements that we have with the Area Plan Commission because these portions of the property that we are rezoning were illegally split and did not conform with the subdivision ordinances whenever they were purchased back in 2002 and 2003, so to make that as the easiest way possible to combine the properties, it has to be the same zoning classification for that, for that larger five acre parcel, five-plus acre parcel that's R-5.

With this rezoning, it would allow for the construction of three new homes on the site and I would ask that the Council move to approve for this rezoning.

Vice President Adams: I don't know if any of you have gone through this development. It's absolutely beautiful. It really is.

Any comments from the City Council? Yeah please.

Councilman Friend: *(Off Mic)* I want to say that it's in my Ward and I didn't receive any calls objecting so...

Vice President Adams: Any comments please from our guests tonight?

Okay, I would entertain a motion.

Councilman Friend moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt Ordinance R-2013-17 and call the roll.

ROLL CALL

Ayes: M^cGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-17 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-19

FROM APC

R-2 TO M-3 w/U & D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2100 S. Tekoppel Rd.

Petitioner: D M S F, LLC

Krista Lockyear: Good afternoon Members of the Council. My name is Krista Lockyear. I'm here representing the petitioner to ask for your approval of this rezoning. The petitioner is a real estate holding company affiliated with Jerry David Enterprises and this rezoning really presents a win-win for this real estate and for Jerry David as well.

The property now is simply being used as an area for fill, for clean fill and it's got a pretty big debris pile if you've driven by that property and taken a look at it. Jerry David is interested in bringing asphalt and milling pieces on to this property so that they can grind those up for recycling purposes. The asphalt that is currently at their property now over on the Carpenter Creek area, and it's been a sense of frustration and concern for Westside Improvement and other neighbors on the westside over the years, will be moved from that location to this location.

The estimate is that when they first get going they'll recycle up to about a thousand tons of asphalt a year. John David believes that once it really gets operating, they can recycle up to two thousand tons of asphalt a year. They'll also allow other clean debris to be brought into the area around the perimeter; trees, things that perhaps allow some wildlife to exist in the area, coincide with commercial use of the recycling.

There is a Use and Development Commitment that we have presented that would limit this use to the recycling as well as the continued clean fill and removal of clean materials in the property. The owner has agreed to maintain a six-foot block retaining wall along Tekoppel, again to keep people from dumping on the property illegally, that shouldn't be dumping things in there, as well as to really make the aesthetics as you're driving down Tekoppel a little better than just seeing asphalt and fill material in the area.

They also agreed no commercial activity would occur on the property between the hours of 6:00 p.m. and 6:00 a.m. so as not to have any trucks coming in kind of in the wee hours.

An adjacent part of this property, if you see on the map, is in the County. We've received the County approval for this rezoning and would ask for your approval as well to allow this recycling operation to commence.

I'd be happy to answer any questions you may have.

Councilman Lindsey: I've just got a couple of comments. This property is a...I think the Riverbend bought it a few years back and was going to have spot shoots and the neighbors were up in arms over it.

Krista Lockyear: Correct.

Councilman Lindsey: So I haven't had any calls to complain and I don't see any reason why this couldn't be used for that. It's kind of a way out piece of property and it's kind of useless

right now and I think it's probably a good thing that somebody's found a use that the neighbors can live with.

Krista Lockyear: Right.

Councilman Lindsey: I don't have a problem with this.

Krista Lockyear: Thank you.

Vice President Adams: Any other comments?

Councilman McGinn: Yeah, just a quick question. Now they have to do a drainage plan because of the type of material; it has to be approved by another agency.

Krista Lockyear: That is correct and...let's see, I can tell you...Three I Engineering is working on that and it may be completed already. John David was going to get me that information but he's out of town. I know they are working on the drainage.

Councilman McGinn: I just want to emphasize that they're just not going to put this stuff there without taking care of any drainage issues.

Krista Lockyear: That's correct.

Councilman McGinn: All right, thanks

Vice President Adams: You may not be able to answer this question. Is there much in the particulate matter that happens when you grind up asphalt? I just don't know.

Krista Lockyear: I do not know the answer either.

Vice President Adams: Okay, I'm just curious.

Councilwoman Brinkerhoff-Riley: What's the...I don't know...maybe I...is that the Expressway?

Multiple Speakers Speaking Simultaneously – Inaudible

Councilwoman Brinkerhoff-Riley: How are people...?

Vice President Adams: Tekoppel Bridge.

Councilwoman Brinkerhoff-Riley: What's the way in? Like, did you...

Krista Lockyear: Tekoppel.

Councilwoman Brinkerhoff-Riley: Okay, so they're going to come in Tekoppel from where? I mean when you recycle...is this one of those deals where if you're a company that's collected a bunch of asphalt in a job you can bring it here?

Krista Lockyear: That's correct.

Councilwoman Brinkerhoff-Riley: And so you're basically...it's a recycling center so you're going to take...

Krista Lockyear: For the most part it will be Jerry David's own process but they'll, for example work that's being done on the Lloyd Expressway, when they take up that top layer of asphalt and break it up...

Councilwoman Brinkerhoff-Riley: They bring it here.

Krista Lockyear: They'll bring it here so it can be utilized to recycle.

Councilwoman Brinkerhoff-Riley: Have they...what's a thousand tons look like? I mean how many trucks is that a year coming in?

Krista Lockyear: I can't...

Vice President Adams: Three.

Krista Lockyear: I can't answer that question.

Councilman O'Daniel: There's a...is this going to be similar to the one off of Morgan Avenue between that and Lynch as it comes back around?

Krista Lockyear: It could be. It'll also be like what they do have at their current location there at Carpenter Creek only ideally be able to expand that process.

Councilman O'Daniel: And that's the one across from Kohl's, right?

Krista Lockyear: Yes.

Councilman O'Daniel: Across the street from Kohl's.

Krista Lockyear: Yes.

Councilwoman Brinkerhoff-Riley: Did they have to...this housing development, I mean how...because when they filed to rezone, how many people did they have to send a notice to?

Krista Lockyear: The housing development is not adjacent.

Councilwoman Brinkerhoff-Riley: Yeah.

Krista Lockyear: The Levee Authority owns that property so there is, if you drive by there, there's a large expanse of grass that's the Levee Authority as well as this line of trees that the Riverbend, who was the prior owner, had planted there. I think in order to be able to get there, I believe they were looking for a shooting range or something there.

Councilwoman Brinkerhoff-Riley: So how many residents, I mean how many people living in this area did you have to notice-up on the rezoning?

Krista Lockyear: We don't have to notify anyone that's not immediately adjacent to the property.

Councilman Lindsey: There's no houses that are adjacent.

Councilwoman Brinkerhoff-Riley: No what I'm...my only concern is the truck traffic. Where are the trucks coming from and how many?

Councilman Lindsey: They'll come from Broadway or they'll come from Old Henderson Road. Probably from Broadway.

Councilwoman Brinkerhoff-Riley: Is there like a...

Councilman Lindsey: All that is...

Councilwoman Brinkerhoff-Riley: I can't picture this area in terms of...

Vice President Adams: Let him answer it.

Councilman Lindsey: All that is is this. They built an overpass because you couldn't get...you'd be blocked by trains so it's just a way for people to, you know, get back and forth with the trains blocking the traffic in case there was an ambulance or a fire, you know, whatever. So all that is is just a low lying area and if they're going to have a drainage plan for it. But it's also that the housing...okay it's the levee, this property is here and then the houses are over here on the left. It's just an older subdivision.

Before, when Riverbend had it, I think Meisler looked at it but the property owners were up in arms and they basically blocked it because they were going to have a shooting range.

Councilwoman Brinkerhoff-Riley: Okay.

Councilman Lindsey: They were worried about Meisler having it because they didn't want traffic going back and forth through all hours of the day and night so like I sat, I haven't have any complaints. Really, this is just an outlying piece of property that really has no *(Inaudible)*. It's not adjacent to any houses and you can't even see it because from Broadway you can't see it because it's on the other side of the levee.

Councilwoman Brinkerhoff-Riley: Okay.

Vice President Adams: Any comments from our guests tonight? Okay.

Councilman O'Daniel: Actually, if I could ask...

Vice President Adams: I apologize.

Councilman O'Daniel:...one other question and this kind of goes back to...and I understand that there's a levee and the Levee Authority had it and there's trees and that sort of thing, I mean just as a courtesy were there any notices sent to the folks there on Koressel?

Krista Lockyear: No, we did not, and again, because we're not adjacent to those. Typically...

Councilman O'Daniel: I understand...I understand the legal requirements of it but...

Krista Lockyear: Sure, sure. We tend to find if you start somewhere then you offend others that, you know, "Well why didn't you send it to us?" So we did not. We just sent it to the immediately adjacent. Now there is a sign posted on the property, and I will also say, it's currently, if you've driven by there, the big pile, there are trucks bringing stuff in there now. It's clean fill. We just can't do the commercial recycling aspect that we're asking for with this rezoning.

Councilman O'Daniel: And I think that's the next thing is, just looking at the picture, will it substantially change what the current use is as far as the number of trucks coming in or...

Krista Lockyear: It should be aesthetically better as you drive down Tekoppel, again, because the retaining wall will be put up there. The entrances are kind of open at this point; they're going to make some more security there. That great big pile that is currently there will be able to be crushed for recycling purposes and filled in to areas where they're removing clean fill so in general, it should look a lot better than it currently does.

Councilwoman Brinkerhoff-Riley: How many...

Councilman Lindsey: Krista, isn't there also,...I'm sorry...

Councilwoman Brinkerhoff-Riley: No, that's okay.

Councilman Lindsey: Isn't there also a restriction too from no traffic, no truck traffic from 6:00 p.m. to 6:00 a.m. so that's...

Krista Lockyear: Correct

Councilman Lindsey:...another restriction they put on themselves.

Councilwoman Brinkerhoff-Riley: Is that truck traffic or just the recycling activities?

Krista Lockyear: Well not business...no commercial activities; that would include the truck traffic as well.

Councilwoman Brinkerhoff-Riley: How many tons do you think a truck holds of asphalt if you were bringing a truck...

Unidentified Speaker: *(Off Mic) (Inaudible)*...a tri-axle will hold approximately 20 tons.

Councilwoman Brinkerhoff-Riley: You think that's normal? Is that what it's going to come in on, a tri-axle? Probably depends on the size. I'm just trying to get an idea of how many trucks

we're talking about. Two thousand tons at five tons each would be 400 trucks, and I don't...you know, the neighbors not having to be noticed-up, I don't know...this is just a two-lane road, doesn't really have much of a shoulder. I just don't know if sort of that neighborhood is...

Vice President Adams: Well you're going to spread it...

Councilman Lindsey: Okay, it's a dead...you cannot access that road (*Inaudible*)

Councilwoman Brinkerhoff-Riley: If it's 20 thousand, that's even less trucks.

Councilman Lindsey: The neighborhood cannot access...listen, that thing is just an overpass to allow traffic to go through...

Councilwoman Brinkerhoff-Riley: Are you saying that regular people don't drive on this road?

Councilman Lindsey: They drive on it but...

Vice President Adams: Not many.

Councilman Lindsey:...they don't come in and out. There's no access, egress...what's the other word? Ingress and egress, okay, I had half of it from the property. See all it is is an overpass, basically, to allow emergency vehicles a way to get down to Old Henderson Road when there's a train blocking the...

Councilwoman Brinkerhoff-Riley: So you don't think...so an increase in traffic you don't think really has an impact. That's all I was trying to understand.

Councilman Lindsey: No, there's nobody going on it unless they have to.

Councilwoman Brinkerhoff-Riley: Okay.

Councilman O'Daniel: And it doesn't really look like it has much viable use for much of anything else since it's outside, I guess it's on the flood plain,...

Krista Lockyear: Absolutely.

Councilman O'Daniel:...adjacent to railroad tracks.

Krista Lockyear: It's kind of a...well, I mean it's an under-utilized piece of property but you're right. There's not really much else you could put on that property and that's why I kind of characterized this as a win-win. You're taking an under-utilized piece of property and making it viable for an environmentally positive use.

Vice President Adams: Okay, any other comments from Council? Any more comments from our...there haven't been any already but...I would entertain a motion.

Councilwoman Mosby moved and Councilman Lindsey seconded the motion to adopt Ordinance R-2013-19 and call the roll.

ROLL CALL

Ayes: M^cGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

Vice President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-19 is hereby adopted.

Krista Lockyear: Thank you.

Vice President Adams: Great, thank you.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-17 Amended **A.S.D. (Riley)** **RILEY/ADAMS**

An Ordinance amending sections 18.12.090, 18.145.050, 18.145.070 and 18.135.080 of the Evansville Municipal Code

RESOLUTION C-2013-21 **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the 2014 Consolidated Housing & Community Development Annual Action Plan

RESOLUTION C-2013-22 **A.S.D.** **BRINKERHOFF-RILEY**

A Resolution of the Common Council of the City of Evansville, Indiana approving a Declaratory Resolution Amending The Jacobsville Redevelopment Area and Allocation Area Boundary, Adopting a New Master Plan and Adding Property to the Acquisition List in the Jacobsville Redevelopment Area

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Yes Mr. President, your Finance Committee met this evening to hear Ordinance C-2013-21 and it comes forward with a do-pass recommendation.

A.S.D. COMMITTEE:

CHAIRWOMAN BRINKERHOFF- RILEY

Councilwoman Riley: Thank you Mr. Vice President, your A.S.D. Committee met this evening to hear Ordinance G-2013-17 as Amended and Resolution C-2013-22 and both come forward with a do-pass recommendation.

Vice President Adams: Super. I'll entertain a motion.

Councilman Friend moved and Councilman Lindsey seconded the motion to adopt the Committee Reports and move these Ordinances to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-17 Amended **A.S.D. (Riley)** **RILEY/ADAMS**

An Ordinance amending sections 18.12.090, 18.145.050, 18.145.070 and 18.135.080 of the Evansville Municipal Code

Vice President Adams: Is there a motion to adopt Ordinance G-2013-17 amended?

Councilman O'Daniel moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt Ordinance G-2013-17 amended and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

Vice President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance G-2013-17 as amended is hereby declared adopted

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2013-21 **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying the 2014 Consolidated Housing & Community Development Annual Action Plan

Vice President Adams: Is there a motion to adopt Resolution C-2013-21?

Councilman O'Daniel moved and Councilman McGinn seconded the motion to adopt Resolution C-2013-21 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

Vice President Adams: I'd like to thank you for this report; very clear, easily read. Great job.

There being eight (8) Ayes and zero (0) Nays, Resolution C-2013-21 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2013-22 **A.S.D.** **BRINKERHOFF-RILEY**

A Resolution of the Common Council of the City of Evansville, Indiana approving a Declaratory Resolution Amending The Jacobsville Redevelopment Area and Allocation Area Boundary, Adopting a New Master Plan and Adding Property to the Acquisition List in the Jacobsville Redevelopment Area

Vice President Adams: Is there a motion to adopt Resolution C-2013-22?

Councilman O'Daniel moved and Councilman Lindsey seconded the motion to adopt Resolution C-2013-22 and call the roll.

Comments made before casting votes during Roll Call

Councilman McGinn: I wish you all the luck in the world on this. I hope it goes well. Aye.

Councilman O'Daniel: I just want to comment, now that we have a plan, let's try to stick to the plan, all right. We've got a plan; we spent some money on it, some time on it. Stick to the plan. Aye.

Vice President Adams: This is a great plan. This is terrific. I concur with my colleague. Let's really see some stuff. This is how a TIF is supposed to work. I vote aye.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

Vice President Adams: There being eight (8) Ayes and zero (0) Nays, Resolution C-2013-22 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, November 25, 2013 or the following Monday, December 2, 2013. The next meeting of the Common Council will be Monday, December 9, 2013. Committee meetings will begin, at least at this point, at 5:00 p.m.

We are going to hear from Randall Wilson.

Council Attorney Danks: I requested that it be put on the agenda so the Council could discuss and decide what the Council wants to do with Mr. Wilson's report.

Vice President Adams: Everybody had a chance to read it? Okay. Any comments from City Council?

Councilman McGinn: Yeah, I...

Vice President Adams: This report was a report done on the construction books of the Ford Center, done by a forensic accountant, someone specializing in this thing and I think it was well done. It affirmed the Administration's findings and I thought it was well worthwhile.

Councilman McGinn: Yeah I also would like to say that I'm happy that we did this. You know it shows that we're keeping an eye out. This was, you know, to audit or to determine whether or not there were any irregularities during the project. This was done after the State Board of Accounts spent I think Russ told me about 400 hours. I think the State Board of Accounts spent about 400 hours on this deal also. And of course being a lawyer, I looked for, and you folks who practice law understand the term "smoking gun". I could not find the smoking gun, you know, an error or something glaring or something that struck me at first blush as being improper. And then when RGL Forensics came in with theirs, I read it several times and then I went back and I reread the state one. I like the fact that the gentleman who did the one from RGL had spent considerable time reviewing the State Board of Accounts report also. I mean he looked at both

of those so it's not like, you know, it was a shot...shooting in the darkness think, he knew what the state said.

The import I got from this is he couldn't find a smoking gun either. He had a suggestion that, you know, if you want to, if you want to dig farther in this thing, you know it's going to cost a considerable amount of money to dig into the thing and there's no guarantee. There's not even a suggestion or a reasonable probability that you'll find something. At least that's the way I read it.

My personal opinion is I think that this body, the Controller's Office, and State Board of Accounts have done an excellent job of making sure that the *i*'s were dotted and the *t*'s were crossed. There were some errors made; a lot of those have been corrected. I think we're going to find out if something additional...I know there's some follow up on some collection of an overpayment.

So I'm satisfied that this body has done its oversight. I think that, you know, it kind of gives us a little practice to keep an eye on future projects and so I'd just as soon let it have a nice, quiet funeral. Thank you.

Councilman O'Daniel: Well that's a nice way of putting it. I concur with my colleague. I think it's important to also understand the context import in which this was moved for. It was right after the State Board of Accounts had looked at these things, that there were some overpayments made, much of which have gotten back and I think Ted's indicated there is just one matter that is in the works, soon to be finished, and you know whether or not anybody saw any smoke or saw a little flame, whatever it is, those questions were framed, submitted, I think the import of the State Board of Accounts as it also the response from the Controller's office and again, it's largely semantics on whether it's an error or an irregularity or whatever it is but I think it makes everybody do their job a little bit better and we've done our oversight and I think that the one big project, the Ford Center, now being behind us has also given us some guidance, (*Inaudible*) but just in talking about it on how to handle the financial aspects of larger projects such as the hotel project and the liaisons are going to happen with that and the oversight the Council will have and then hopefully a medical school as well.

Councilman Friend: (*Off Mic*) I've reviewed the contents of it. I would kind of recommend though you should present it to the Administration cause we're not really a body to execute certain actions either way. So I would recommend we let the Administration review this, concur one way their own accordingly. I mean I'm not sure...

Vice President Adams: I asked our lawyer to contact RGL in terms of what it would cost and how much work it would be and so forth like that to follow up his recommendation so...

Council Attorney Danks: I did and we had several conversations. That's his estimate for a follow-up forensic audit was 25 to 50 thousand dollars. He did not recommend it based upon his preliminary review. But I agree with Councilman Friend. What he's suggesting is that this report should be shared with the Administration; I agree with that, it should be. And of course, if the Administration wants to use it for whatever purpose, then they're certainly welcome to do so.

Vice President Adams: Comment?

Councilwoman Mosby: I do have a question. How much did this forensic audit cost?

Council Attorney Danks: \$2500.

Councilwoman Mosby: \$2500, okay thank you.

Vice President Adams: Any other...yeah?

Councilman Weaver: Just two things. So there is no evidence of material misrepresentation. Is that correct? No evidence of misrepresentation. And...

Council Attorney Danks: If I may, that's not upon...and I'm not suggesting that there is any type of material misrepresentations but this is a preliminary look at certain lead sheets that were submitted and based upon those he didn't find anything. In my opinion, his letter indicates he doesn't find anything that would warrant a more detailed forensic audit. He's not telling us that there were no irregularities or misrepresentations. He's saying that based upon his preliminary review, for the limited funds that we allocated for that review, he doesn't see any but that's *(Inaudible)*.

Councilman Weaver: Okay. I just want...there was a public representative though managing this project. That was John Kish; he was the Project Manager, and he did, if you recall, those that were on Council, appear before this body periodically with reports.

Vice President Adams: Actually, he was very, very scant and he was not very regular and it wasn't very thorough. And he did not repre...he was not the public representative. He was the manager of the project. I'm not saying that he did anything wrong. I'm just saying that in my memory, I would ask those on Council who were here; I was underwhelmed by his communicative skills about what was actually going on, day-to-day, month-to-month, and quarter-to-quarter. And frankly, I have a learning curve on this process too but anyway, could you give us a follow up on that Kansas City steel?

Unidentified Speaker: I'll do that.

Vice President Adams: Great. There was an overpayment of almost \$350,000 to a Kansas City steel company.

City Attorney Ziemer: It's \$303,000.

Vice President Adams: Say that again.

City Attorney Ziemer: Let me get my...

Vice President Adams: I think its \$349,000

City Attorney Ziemer: It's a, yeah, \$303,324.

Vice President Adams: Okay, it started at 350 now it's down to 3...

City Attorney Ziemer: It's \$303,324.

Vice President Adams: Great,

City Attorney Ziemer: And a suit has been filed in federal court with three counts to collect this. The first is count for Breach of Contract, seeking return of the money plus attorney's fees. The second count is for conversion. That is taking our money and keeping it ill lawfully and we are asking for travel damages plus attorney's fees. And the third count is for unjust enrichment and again, we are seeking repayment and attorney's fees.

Vice President Adams: Is this still an active...

City Attorney Ziemer: That's pending and...

Vice President Adams: Is this still an active corporation in Kansas City?

City Attorney Ziemer: To the best we are able to find out, yes.

Vice President Adams: Great.

Councilwoman Brinkerhoff-Riley: We you able to...

Council Attorney Danks: It might not be for long.

Councilwoman Brinkerhoff-Riley: Did you guys make a demand letter?

City Attorney Ziemer: Oh sure.

Councilwoman Brinkerhoff-Riley: Did they respond at all?

City Attorney Ziemer: Sure, that's been done long ago. In April, in July and no response.

Councilwoman Brinkerhoff-Riley: I'm just struggling with kind of what the explanation...

City Attorney Ziemer: No response. We figure...actually, we think it should be a fairly easy lawsuit. These people know they owe us the money. They're not...they did not respond to any demand letters. We think they'll respond to a summons from federal court.

Councilwoman Brinkerhoff-Riley: Yeah I bet they will. I'm just a...it scares me though that maybe we're going to have a problem collecting if they don't have it.

City Attorney Ziemer: I can't speculate about that.

Councilwoman Brinkerhoff-Riley: No, no.

City Attorney Ziemer: The Dun & Bradstreet indicates they have, you know, they are a business and they have funds so we'll see.

Councilwoman Brinkerhoff-Riley: Which begs the question of why a corporation would just ignore your demand letters though so I don't know. It's interesting; we'll see what happens.

How is Keith Vonderahe? Is he the one that's been managing the federal case? He was under the weather.

City Attorney Ziemer: He is but he's fine. I mean he's doing very well.

Councilwoman Brinkerhoff-Riley: I just hadn't...I heard he wasn't well and I wanted to check.

City Attorney Ziemer: He's had a stage of unwellness but he's well on the mend.

Councilwoman Brinkerhoff-Riley: Okay, good. *(Inaudible)*

Vice President Adams: Counselor, could you give us just a general...for the uneducated legal people in this body, what's the timeline on something like this? Will you know by summer?

City Attorney Ziemer: Oh yes I think. I mean it could be very quick as I said. They get a summons and say, "Ah, well okay; we'd better settle this up. We don't want to pay travel damages *(for example)*. We don't want to have to pay attorney's fees". On the other hand, we don't know why they didn't answer the demand letter so they may want to go to the mat on this. They've got up to...they can make it up to almost 90 days before they have to respond the first time, that is answer this complaint under the federal rules if they seek extension and so forth. So it's hard to predict. We would hope so.

Vice President Adams: Dumb question. Anybody just call them up and ask them?

City Attorney Ziemer: Yes. I mean we...

Vice President Adams: I mean literally call 'em up.

City Attorney Ziemer: No, I don't think we've talked to them on the telephone but we wanted to have it writing...

Vice President Adams: Sure.

City Attorney Ziemer:...and we've sent letters to them.

Vice President Adams: I don't know the procedure.

Unidentified Speaker: *(Off Mic) (Inaudible)*

City Attorney Ziemer: It is. Thank you.

Vice President Adams: Any comments? Any comment from the crowd one way or the...yes ma'am, please. Come up and talk.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Vice President Adams: I can't hear you ma'am.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Vice President Adams: You have to come up to talk.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Council Attorney Danks: She wants to know if she can address a different issue.

Vice President Adams: No, you cannot at this point.

Unidentified Speaker: Huh?

Vice President Adams: We are not done with this subject yet ma'am.

Unidentified Speaker: Oh, okay.

Vice President Adams: Please, Chief.

Chief of Staff Schaefer: Steve Schaefer with the Mayor's Office. I appreciate your willingness to provide the July letter from RGL. Could you also provide the lead sheets from Dave Garrett so we can take a look at 'em? Thanks.

Council Attorney Danks: *(Off Mic) (Inaudible)*

Vice President Adams: One comment I'd like to make...

Chief of Staff Schaefer: Sure.

Vice President Adams:...I think the real message here is that a precedent's been set and from now on, all major public works will have...what's your term for it? A Public Representative?

Chief of Staff Schaefer: City Representative.

Vice President Adams: City Representative.

Chief of Staff Schaefer: Yeah, and the ERC recently brought on the two representatives for the hotel project, Alan Ripplemeier and John Lucket; one will provide oversight over the financial information and then one on the construction end, so...

Vice President Adams: And so on a monthly basis...

Chief of Staff Schaefer: Yeah.

Vice President Adams:...will you, the Administration and they will...

Chief of Staff Schaefer: They will come. They'll come before you and provide monthly reports if you want it monthly or however you want it.

Councilman Friend: *(Off Mic)* Isn't John a CPA?

Chief of Staff Schaefer: Yes, I believe John was the former CFO of SKANSKA I believe. Yes, he was, and Alan was Facilities at EVSC and I think Ivy Tech, several of those. Both seasoned in their professions.

Vice President Adams: That's a pretty good *(Inaudible)*...

Councilman O'Daniel: As I recall, he had done the Ivy Tech project too.

Chief of Staff Schaefer: Yes.

Councilman O'Daniel: So he is balanced in large projects.

Chief of Staff Schaefer: Uh-hum. We're excited; we had our first meeting with them this week and just trying to get the procedure down so once we have that we'll share that with you and we'll start the reporting as soon as the project gets going.

Vice President Adams: Terrific.

Council Attorney Danks: *(Off Mic)* Council, if I may, as far as the *(Inaudible)*

Councilman Friend: *(Off Mic)* I am the person to give those to.

Council Attorney Danks: That's right.

Vice President Adams: RGL would have them.

Councilman Friend: *(Off Mic)* RGL would have them.

Council Attorney Danks: *(Off Mic)* Mr. Schaefer, I'll get those. The Council also *(Inaudible)* sent Councilmembers an email that summarized my conversations with Mr. Wilson. Do you have any objections if I provide that to Mr. Schaefer as well?

Unidentified Speakers Speaking Simultaneously: *(Off Mic) (Inaudible)*

Council Attorney Danks: *(Off Mic)* I think a majority will work here. I think it's attorney/client privilege that the Council...but I think the majority of members can give me authorization to release that to the Administration.

Vice President Adams: I need a motion for Council to allow us to share his...

Unidentified Speaker: *(Off Mic) (Inaudible)*

Vice President Adams: Yeah.

Councilman Weaver: So moved.

Councilwoman Brinkerhoff-Riley: Second.

Vice President Adams: All those in favor? Opposed? Great, share. (*Vote is eight (8) ayes*)

Council Attorney Danks: (*Off Mic*) (*Inaudible*)

Vice President Adams: Okay. Is there any other discussion? Any other...anything else we want to throw around at this particular subject at this particular time? Great. Okay, super.

Now would anyone else like to come up and discuss the method of their madness? Please ma'am, join us. I would appreciate it if you'd keep it to five minutes.

Connie Whitman: I shouldn't be here long.

Vice President Adams: Now don't start with that ma'am, we might take you up on it.

Connie Whitman: I'm Connie Whitman, 1780 S. Norman Avenue and I had to come anyway cause I need give you a corrected copy on something from last week. I have a typographical error so I'll hand this around real quick.

Vice President Adams: Just hand it to the first person then we can pass it around.

Connie Whitman: Oh, okay.

Vice President Adams: Ma'am, just hand it and we can pass it around.

Connie Whitman: I may have given you one; I may have kept one. Anyway, today's paper was second in a series. The Courier & Press is discussing vacant houses and that headline, "Law Favors Property Owners" kind of irked me cause they sure didn't favor me. I was wondering if it was everybody with people but last name Whitman. It says...the article states that, "Fines are designed to wrench the properties away from the owner", and that's exactly what's happened to me. They've tried to take mine repeatedly over the last five years.

I have a whiplash, torn cartilage, spondylactic disc and yet I do my own yard work and everything. My property looks as good as my neighbors'. They have husbands, grown sons, daughters, even adolescent grandkids, whereas I have a 35-year-old falsely imprisoned son who would love to be helping me with my yard work and I'd like to think that you all would all be appalled at what the Vanderburgh courts did; how many laws they violated in his case. I don't know if you would or wouldn't.

But anyway, that house is all I have. It's my kid's inheritance. The article discussed people who just let the City take their property rather than pay the fines and fees and taxes and everything, and I thought the Courier & Press was kind of easy on the City on that. There are 1900 vacant homes and I don't like the way it's being handled. Why can't homeless people get into some of these homes instead of spending all this extra money on homeless shelters? Why aren't we matching these homes up with some of these people?

I'll just go ahead and let y'all do your thing at your leisure but this one-size-fits-all tax sale process is wrong because not all houses want to be taken; I didn't. They offered mine August 25, 2008 for \$1832 bid floor. I paid \$80,000 for it but yet they're gonna let someone else take it for \$1800. That's not right and it was a disputed...it was a tax bill. I was later deemed not to vote. I got a refund after I fought it so they're a little bit too quick taking peoples properties and

also it's a violation of Indiana Code 36-7-8-3D to harass and inspect do-it-yourselfers. It just takes money. We need, you know, to fund our projects. Furthermore the City inspection department didn't protect me from a dishonest remodeling firm, Frank's Remodeling. I bought a permit and they let him off with all kind of code violations, didn't do anything to him, yet they stole my bricks and picnic table and all that stuff.

Anyway, I just think that the Homeless Coalition really isn't interested in solving this problem. I think homeless people are eating in soup kitchens and they're bored all day long sitting in the library, park benches and stuff. And kids need to see their parents working and if these people had their own homes and carpenters were spearheading a crew to help clean these properties up instead of spending the money on what they do spend it on. Why don't we get some people together and solve two problems at once. Kids should see their parents working not just drag 'em to soup kitchens if possible. Of course, there are disabled people and unemployable people, elderly, blind, and whatnot who really deserve welfare and need to be taken care of but a lot of these people could benefit from a job program that would get them in these homes.

So thank you for listening. Did you get enough copies for run short?

Vice President Adams: Have any questions for Ms. Whitman tonight?

Connie Whitman: Somebody say they have a question?

Vice President Adams: I asked if there were any questions Ma'am.

Councilman Friend: (*Off Mic*) I think maybe the Council should to be able to correct some of this stuff. I think if your home goes to Sheriff's sale, I believe you got one year to claim that. So when somebody buys your property...

Connie Whitman: Yeah.

Councilman Friend: (*Off Mic*)...for a very small amount...

Councilman O'Daniel: That's on a tax sale. It's a redemption period but...

Councilman Friend: (*Off Mic*) Is that what it is?

Councilman O'Daniel:...they can only put it up for sale for the amount that you owe, all right?

Connie Whitman: But then fees have piled up. It seems like it's almost like a business or a scam, buying peoples properties and charging 'em interest and fees and then they get it but it's almost like it's like a business, you know, taking peoples properties and then (*Inaudible*)...

Councilman O'Daniel: They just want to encourage people to pay their bills and take care of their properties.

Connie Whitman: What'd you say?

Councilman O'Daniel: They just want to encourage people to pay their bills and take care of their properties.

Connie Whitman: Yeah but in my case...mine a...they tagged...they stole a ton of bricks and charged me an \$800 fine. You know that's...they violated the law, I didn't violate the law, the City did so some of these cases aren't as cut and dried as it may look as they just appear on a tax sale list.

Okay, thank you.

Vice President Adams: Thank you so much Ma'am. Anyone else would like to address this body tonight?

Council Attorney Danks: Chairman Adams, if I may before you ask for adjournment...

Vice President Adams: Nope, not yet.

Council Attorney Danks: On the...okay...on the Consent Agenda, First Reading, it's Ordinance R-2013-27. I'm personally involved in the development of that piece of real estate. I want to disclose that to the Council. I think this zoning request is routine. I'm very confident there will not be any remonstrators. If you could take a look at that before the next meeting, if you have legal questions then I'm going to kind of step back and have somebody else fill in.

Vice President Adams: Thank you.

Councilman O'Daniel: Who would we...who would you refer us to on that? Would you *(Inaudible)*...?

Council Attorney Danks: Probably...actually, you know the zoning ordinance better than anybody that I know of.

Councilman O'Daniel: No, I don't. Anyway.

Council Attorney Danks: Actually, I would suggest John Hamilton.

Councilman O'Daniel: Okay.

Council Attorney Danks: And I think that John will probably be happy to fill in.

Vice President Adams: Come out of retirement.

Council Attorney Danks: Come out of retirement.

Councilman O'Daniel: Thank you much.

Vice President Adams: Okay. Thank you for being so kind as to let us know that.

Okay, Committee Reports. A.S.D. Committee, Chairman Brinkerhoff-Riley.

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: **Ordinance G-2013-19**

Date: December 9, 2013

Time: 5:00 p.m.

Notify: Councilman Adams
Attorney Scott Danks

CHAIRMAN BRINKERHOFF-RILEY

Amending the ordinance on Tattoo
Parlors and Body Piercing Facilities

Re: **Ordinance G-2013-18**

Date: December 16, 2013

Time: 5:25 p.m.

Notify: James Burchett

Certification of Convenience and Necessity
Taxicabs (Unity Taxi)

Councilwoman Brinkerhoff-Riley: Oh wait, that's December 16. You did throw me off, I'm only supposed to read for...we'll hear that on December 16.

Councilman O'Daniel: I see Chief Connelly in here.

Vice President Adams: Well let's finish this first.

Councilman O'Daniel: Are you done with this? Okay.

Councilman Friend: *(Off Mic) (Inaudible)*...Before we adjourn, we'll...

Councilman O'Daniel: Okay.

Vice President Adams: Let me run this program. Okay? Finance Committee, Chairman Friend. Thank you. Moving right along here.

FINANCE COMMITTEE:

Re: **Ordinance F-2013-23**

Date: December 9, 2013

Time: 5:10 p.m.

Notify: Philip Hooper – DMD

CHAIRMAN JOHN FRIEND

Authorizing transfers, repeal and
and additional appropriation of funds.

Re: **Ordinance F-2013-22**

Date: December 9, 2013

Time: 5:15 p.m.

Notify: Ted Ziemer, Jr.

Authorizing issuance of Sewage Works
Revenue Bonds

Re: **Ordinance F-2013-21**

Date: December 9, 2013

Time: 5:20 p.m.

Notify: Russell G. Lloyd

Authorizing transfers, repeal and
and additional appropriation of funds.

Re: **Resolution C-2013-23**

Date: December 9, 2013

Time: 5:25 p.m.

Notify: Philip Hooper, DMD

A special resolution concerning proposed
economic development bonds (Eden East

Vice President Adams: Great. Now, you have asked the Chief to come speak to us tonight?

Councilman Friend: *(Off Mic)* Yeah, I don't think I asked him. I'm a little confused *(Inaudible)*...

Vice President Adams: Chief, would you like to make a comment tonight?

Councilman Friend: *(Off Mic)* *(Inaudible)*

Vice President Adams: Excuse me. Let me cut...

Councilman Friend: *(Off Mic)* *(Inaudible)*

Vice President Adams:...let me cut to the chase. When I asked if there were any more comments I meant anybody that was out there. Thank you for your comments.

Fire Chief Connelly: Chief Mike Connelly. I received an email from Councilman Friend saying he requested a report on the repair of the gear.

Councilman Friend: *(Off Mic)* Yeah, what I thought though I thought you were going to come before us anyway before. That was just *(Inaudible)*...

Fire Chief Connelly: Okay, well...

Vice President Adams: He's here.

Fire Chief Connelly: I responded to your request; I'm here. I've got the stuff.

Vice President Adams: Thank you for coming sir.

Fire Chief Connelly: You're welcome.

Councilman Friend: *(Off Mic)* Thanks for coming.

Fire Chief Connelly: So I'll go through the whole \$155,000 that was appropriated for the extrication dryers and cleaning *(Inaudible)*...

Vice President Adams: Give us a summary please.

Fire Chief Connelly: Summary. Equipment's been installed. All but 10 sets of gear have been cleaned and we have \$14,000 left.

Vice President Adams: And those sets of equipment were cleaned primarily by a private group at this juncture?

Fire Chief Connelly: At this juncture, yes. The purpose of that was to get record keeping to document the annual inspection and the repairs that have been done for OSHA requirements so we're good to go.

Vice President Adams: Okay.

Councilman Friend: (*Off Mic*) Chief, let me ask you a question. (*Inaudible*) I just hope it's (*Inaudible*). Let me ask something. Can vacation time be carried over from year to year in the department?

Fire Chief Connelly: No.

Councilman Friend: (*Off Mic*) It cannot. Okay, when it comes to the seniority, (*Inaudible*) seniority, it's the ones that got the most seniority they get the overtime is my understanding, just like anyplace.

Fire Chief Connelly: Yes.

Councilman Friend: (*Off Mic*) So the youngsters, they can't get that overtime. And if they do get it, let me ask you, how can they use it (*Inaudible*) cut 'em off, the seniors. They probably doing comp time. Is it...

Fire Chief Connelly: Put in for it and manpower available, you get the time off.

Councilman Friend: (*Off Mic*) You get the time off. But then with the youngsters then they...how do they...since the older ones get the overtime, the younger ones, how do they get to earn their time off? (*Inaudible*)

Fire Chief Connelly: To earn their time off?

Councilman Friend: (*Off Mic*) Yeah.

Vice President Adams: They're given time off. They get vacations.

Fire Chief Connelly: They get vacations.

Councilman Friend: (*Off Mic*) They get vacations.

Fire Chief Connelly: And there's also 72 hours...

Vice President Adams: John, did you ask this guy to come up here for that or did you ask him...

Councilman Friend: (*Off Mic*) Oh no, no.

Councilman Weaver: John, could this not be done with a phone call John? John, could this not be done with a phone call, I mean, to the Chief?

Councilman Friend: (*Off Mic*) Yeah. I'm trying to find out (*Inaudible*).

Councilman Weaver: I don't want another 45 minute ambush of a...

Vice President Adams: Wait a minute, wait a minute...time out, time out, time out.

Councilman Weaver:...of a department head.

Vice President Adams: Wait a minute. We've got one guy talking at a time.

Councilman Friend: *(Off Mic)* Chief, let me do this for you. You know Jonathan may have a point. Let me send you an email on it and I just ask you to spell it out to me.

Fire Chief Connelly: I will.

Councilman Friend: *(Off Mic)* That'd be great.

Fire Chief Connelly: That'd be great.

Vice President Adams: Well no, I just think you ask...

Councilman Friend: *(Off Mic) (Inaudible)*.

Vice President Adams: Any other questions from anybody else.

Councilman O'Daniel: How many sets of gear had to be repaired? Do you know?

Vice President Adams: All but 10.

Fire Chief Connelly: Well no...

Councilman O'Daniel: All but 10 were cleaned but...

Fire Chief Connelly: All but 10 were clean. I don't have the statistics on how many were repaired...

Vice President Adams: But they all were evaluated for repair.

Fire Chief Connelly: They were all inspected.

Vice President Adams: Yeah.

Fire Chief Connelly: And the ones that need repairs got the repairs done.

Councilman O'Daniel: And that was all part of that...

Fire Chief Connelly: Yes.

Councilman O'Daniel: Why were the 10 not? Is there a reason?

Fire Chief Connelly: We haven't gotten to 'em yet.

Councilman O'Daniel: Just haven't gotten to 'em.

Fire Chief Connelly: It's a make-up schedule right now.

Councilman O'Daniel: Okay.

Fire Chief Connelly: Guys on vacation...

Councilman O'Daniel: People on vacation; just didn't get 'em in. Okay.

Vice President Adams: I did not know this but I guess a little finger bit hole, perhaps in the armpit, in a fire creates enough...could create enough steam to kill somebody or give than an excruciating burn.

Fire Chief Connelly: Well steam expands 1700 times the volume of the water it originally occupied.

Vice President Adams: Right.

Fire Chief Connelly: Plus you have thermal damage to the skin that occurs so yes, we want to keep the steam off of the firefighters.

Vice President Adams: So that's what you're really looking for, those tight repairs, right?

Okay. Any other questions about anything at this juncture?

Thank you so much Chief.

Councilman Friend: *(Off Mic) (Inaudible)* I heard you were coming up for another matter I thought so *(Inaudible)*.

Fire Chief Connelly: No, that was it. I responded to your email.

Vice President Adams: Okay John.

Councilman Friend: *(Off Mic)* Pardon me?

Fire Chief Connelly: Responded to your email.

Councilman Friend: *(Off Mic)* You did a great job. Thank you very much.

Fire Chief Connelly: Thank you.

Councilwoman Mosby: Thank you Chief.

Vice President Adams: Thank you so much sir.

Fire Chief Connelly: Thank you.

Vice President Adams: Okay, I would remind Council this is close to the end of the year; we need to review our appointments in terms of who we are going to appoint for various things. If you would give us...

Unidentified Speaker: *(Off Mic) (Inaudible)*.

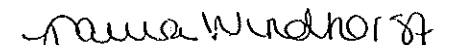
Vice President Adams: Great, that's super.

ADJOURNMENT


Vice President Adams: Okay, I would entertain a motion for adjournment.

Councilman O'Daniel moved and Councilwoman Mosby seconded the motion to adjourn. Voice vote. So. Ordered. Thank you so much for coming tonight.

Meeting adjourned at 6.53 p.m.



Laura Windhorst, City Clerk



Dr. H. Dan Adams, Vice President